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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,023	07/24/2000	Hung-Wen Chiou	ERSO89-020	6192

28112 7590 03/11/2004

GEORGE O. SAILE & ASSOCIATES  
28 DAVIS AVENUE  
POUGHKEEPSIE, NY 12603

EXAMINER
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KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
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2125

3

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/624,023

Applicant(s)

CHIOU, HUNG-WEN

Examiner

Charles R Kasenge

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada U.S. Patent 6,326,792. Referring to claims 1, 6, and 13, Okada a method of digital processing for predicting thin film dielectric properties (col. 3, lines 14-22), comprising: a reference data base (col. 13, lines 43-48); measuring chemical bonding parameters of said thin film dielectric (col. 3, lines 14-22 and col. 13, lines 15-21); software based algorithms that predict thin film behavioral characteristics based on thin film parameters (col. 3, lines 3-13); a software based function that combines said chemical bonding parameters with said predicted thin film behavioral characteristics thereby predicting dielectric properties of said thin film (col. 3, lines 14-22); a data interconnect between said reference data base and said software based algorithms; a data

interconnect between said software based algorithms and said software based function that combines said chemical bonding parameters with said predicted thin film behavioral characteristics (col. 13, lines 43-48); an output medium for outputting said predicted dielectric properties of said thin film (abstract); an input medium to said reference data base for supplying said predicted dielectric properties of said thin film to said reference data base; and an input medium to said reference data base for supplying said measured chemical bonding parameters of said thin film dielectric of said thin film to said reference data base (col. 2, lines 16-19).

Referring to claims 2, 3, 9, and 16, Okada discloses the method of claim 1 wherein said chemical bonding parameters of said thin film dielectric that are supplied to said reference data base include user defined attributes for further defining said thin film dielectric (col. 13, lines 43-48). Okada discloses the method of claim 1 wherein for each thin film dielectric said reference data base contains different types of data segments for defining thin film dielectrics whereby said reference data base provides an indication of the different types of data defining thin film dielectrics (col. 13, lines 43-48).

Referring to claims 4, 5, 10, 11, 16, and 17, Okada discloses the method of claim 1 wherein said input medium to said reference data base for supplying said predicted dielectric properties of said thin film to said reference data base and said input medium to said reference data base for supplying said measured chemical bonding parameters of said thin film dielectric of said thin film to said reference data base stores different stages of calculation results in said reference library whereby said behavioral prediction algorithms use stored values of the measured chemical bonding parameters and said predicted dielectric properties (col. 2, lines 16-19). Okada discloses the method of claim 1 whereby said behavioral prediction algorithm uses

mixing and splitting rules to predict at least one of mixing and splitting of thin film dielectric prediction (col. 7, lines 42-58).

Referring to claims 7, 8, 14, and 15, Okada discloses the apparatus of claim 6 wherein said user definition of a desired thin film dielectric is chemical bonding measurements that indicate and reflect at least one thin film dielectric (col. 2, lines 16-29). Okada discloses the apparatus claim 6 wherein said user definition of a desired thin film dielectric further includes user defined attributes for further definition of said thin film dielectric (col. 2, lines 16-29).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 703 305-8592. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

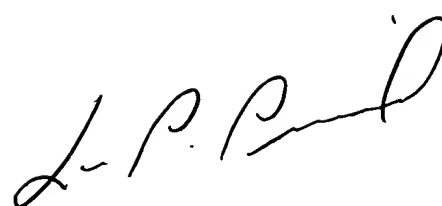
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CK  
March 2, 2004

A handwritten signature in black ink, appearing to read "L. P. Picard". The signature is written in a cursive style with a large, looped "P".

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100